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8 *California Department of Corrections and*
Rehabilitation

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12
13

14 **MEDICAL DEVELOPMENT**
INTERNATIONAL, a Delaware corporation,

15
16 Plaintiff,

17 v.

18 **THE CALIFORNIA DEPARTMENT OF**
CORRECTIONS AND REHABILITATION;
19 **J. CLARK KELSO, in his capacity as**
20 **receiver, and DOES 1 through 20, inclusive,**

21 Defendants.

22 **J. CLARK KELSO, in his capacity as**
23 **receiver,**

24 Counter-claimant,

25 v.

26 **MEDICAL DEVELOPMENT**
INTERNATIONAL, a Delaware corporation,
27 Counter-defendant.
28

3:10-cv-00443-TEH

STIPULATION FOR ORDER AND
~~PROPOSED~~ ORDER CONTINUING
CASE MANAGEMENT CONFERENCE
SCHEDULED FOR AUGUST 22, 2011
TO AFTER SEPTEMBER 26, 2011

Honorable Thelton E. Henderson

AS MODIFIED BY THE COURT

1 Pursuant to Civil L.R. 7-12 and 16-2(e) and Paragraph Four of this Court's Standing
2 Order, the parties, by and through their respective counsel, Greenberg Traurig, LLP for Plaintiff
3 and Counter-defendant Medical Development International ("MDI"); Futterman Dupree Dodd
4 Croley Maier LLP for Defendant and Counter-claimant J. Clark Kelso, in his capacity as the
5 Receiver, ("Receiver"), and the California Office of the Attorney General for Defendant
6 California Department of Corrections and Rehabilitation ("CDCR"), stipulate for an Order
7 continuing the case management conference, currently set for August 22, 2011, to a date after
8 September 26, 2011. This stipulation is based on the following facts:

9 1. Since the mediation session held on February 14, 2011, the parties have continued
10 their negotiations through the mediator.

11 2. The parties have reached a tentative settlement, but are still negotiating final
12 settlement language. As a result, the parties would like additional time to circulate the proposed
13 settlement agreement and to avoid incurring unnecessary legal fees and costs.

14 3. If the parties are unable to finalize the settlement agreement and are required to
15 pursue the litigation, the parties anticipate that the scope of this case will require expanding the
16 limits of discovery. For example, based on the information gathered thus far, the Receiver and
17 CDCR anticipate needing to take at least 25 fact depositions. In addition, defendants intend to
18 address with plaintiff and the Court the possibility of staging such discovery around potentially
19 dispositive motions.

20 4. Given the parties' tentative settlement and the complexity and cost of scheduling
21 discovery and possible motions which would be required if the case is not settled, the parties
22 request that the case management conference be postponed to allow time for the parties to
23 complete the settlement process and avoid incurring unnecessary fees and costs.

24 5. Accordingly, the parties stipulate for an Order continuing the case management
25 conference currently scheduled for August 22, 2011, to a date after September 26, 2011.

26 **SO STIPULATED.**
27
28

1 Dated: August 10, 2011

KAMALA D. HARRIS
Attorney General of California
CONSTANCE LELOUIS
Supervising Deputy Attorney General

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3
4 By: /s/ Michelle M. Mitchell
Michelle M. Mitchell
Deputy Attorney General

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6 Attorneys for California Department of Corrections
and Rehabilitation

7 Dated: August 10, 2011

FUTTERMAN DUPREE
DODD CROLEY MAIER LLP

8
9 By: /s/ Martin H. Dodd
Martin H. Dodd
Jaime L. Dupree

10 Attorneys for Receiver J. Clark Kelso

11
12 Dated: August 10, 2011

GREENBERG TRAURIG, LLP

13 By: /s/ M. Theresa Tolentino Meehan
M. Theresa Tolentino Meehan
Jeremy A. Meier
Ray A. Sardo

14
15 Attorneys for Medical Development International

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17 **~~[PROPOSED]~~ ORDER**

18 Based on the foregoing stipulation of the parties, it is hereby ORDERED that the case
19 management conference currently set for August 22, 2011, be and hereby is continued to
20 __October 3, 2011__, at 1:30 p.m. If the parties have not completed their settlement agreement
21 by that time, they shall file a joint case management conference statement on or before
22 September 26, 2011.

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24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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26 Dated: 08/11, 2011

